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Examiner: WALCZAK, David J.  
Art Unit: 3751

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Response Under 37 C.F.R. 1.111 (2 pages)

Attorney Docket No.: 13DV-14152 (07783-0136-01)  
Application No.: 10/721,967  
Filed: November 21, 2003

**FAX NUMBER: (717) 237-5300**

**PARALEGAL RESPONSIBLE:** Kimberly A. Newell **TELEPHONE:** (717) 237-5239

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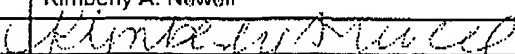
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	10/721,967
		Filing Date	November 21, 2003
		First Named Inventor	SKOOG et al.
		Art Unit	3751
		Examiner Name	WALCZAK, David J.
Total Number of Pages in This Submission	5	Attorney Docket Number	13DV-14152 (07783-0136-01)

ENCLOSURES (check all that apply)		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	McNeos Wallace & Nurick LLC Kurt L. Ehrosman, Attorney Reg. No. 50.758
Signature	
Date	June 22, 2005

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Application No.: 10/721, 967

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- 2 -

The restriction can be made only "If it can be shown that the two or more inventions are in fact independent . . .", MPEP 806.04. As made quite clear in the specification, the subject matter of Groups I and II are not "independent". Specifically, the disclosed relationship is that the apparatus of Group I is used in practicing the methods of Group II.

The Examiner has set forth a secondary restriction within Group I, asserting that Figure 1 and Figure 2 are "patentably distinct species." In response, and only in the case that the Examiner withdraws the primary restriction between Group I and Group II and maintains the secondary restriction between Figure 1 and Figure 2, Applicant then provisionally elects, with traverse, Species I for prosecution. Applicant notes that claims 1-10 are directed to the embodiment of Figure 1, and that claims 11-14 are directed to Figure 2.


In sum, Applicant elects Group II, with traverse. Applicant maintains that the inventions of Group I and Group II are not "independent and distinct", and that no undue burden on the Examiner would result from search of both Group I and Group II. The claims should therefore be examined in the same application, pursuant to the various statutes, regulations, and MPEP sections set forth herein. Applicant asks that the Examiner reconsider and withdraw the restriction requirement as to Groups I and II.

Respectfully submitted,

Dated: June 22, 2005

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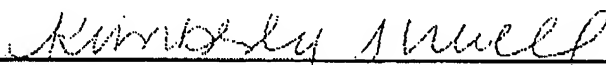
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